201-15458

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07/14/2004 10:45 PM

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Subject: Environmental Defense comments on Methyl Chloropyridine Derivatives (CAS# 70024-85-0)

(Submitted via Internet 7/14/04 to oppt.ncic@epa.gov, hpv.chemrtk@epa.gov, boswell.karen@epa.gov, chem.rtk@epa.gov, MTC@mchsi.com, and ggarvin@dow.com)

Environmental Defense appreciates this opportunity to submit comments on the robust summary/test plan for Methyl Chloropyridine Derivatives (CAS# 70024-85-0).

The Dow Chemical Company, in response to EPA's High Production Volume (HPV) Chemical Challenge, has submitted a test plan and robust summaries describing available information to address required SIDS elements for methyl chloropyridine derivatives. We note on reading the test plan that the Plain English Summary states that "Existing data are summarized. No additional data are needed under the HPV Challenge Program." However, no data addressing the required SIDS elements for this chemical stream are in fact summarized in the test plan, and the only data provided in the robust summaries are for the proposed surrogate, 2,3,4,5,6- pentachloropyridine. For the following reasons, we do not agree with Dow's conclusion that no additional data are needed. We also note the following inconsistencies on review of this submission.

1. The Introduction of the test plan states that physicochemical data that are requested will be provided. However, only such data for the proposed surrogate have been provided. No explanation is given as to why a company that produces more than a million pounds of a chemical stream each year cannot provide these most basic data that they probably use in their production of the chemical stream.

2. Under Test Plan Rationale, it is stated that this derivative stream should be regarded as a site-limited closed system intermediate. It is further stated that the stream is loaded into pressure vessels and incinerated in California where it is produced. However, on review of the robust summaries we note that the approximately 25% of the surrogate chemical described, pentachloropyridine, is produced in California and shipped to Texas in tank cars for use in pesticide synthesis. Is such use in fact unique to the surrogate and not similar for methyl chloropyridine derivatives? In any case, we defer to EPA as to whether this stream qualifies as a closed system intermediate.

3. The test plan consists primarily of a list of the required SIDS elements, and does not describe any data ? from the proposed surrogate or otherwise ? needed to address them. Some data to address some elements for the surrogate pentachloropyridine are provided in the robust summaries. However, the sponsor has provided no rationale for the use of pentachloropyridine as a surrogate other than to note that it is a component of the sponsored stream. No compositional data on the stream have been provided. We do not find it acceptable to bridge data from

pentachloropyridine to address the SIDS elements for the methyl chloropyridine derivatives stream. That is, since pentachloropyridine is a completely chlorinated molecule it would be expected to be the least soluble, least reactive and most slowly metabolized of the chlorinated pyridines. On the other hand, methyl chloropyridine derivatives contain a methyl group that will facilitate metabolism and may enhance toxicity. We would also assume that some of the constituents of this mixture are also less chlorinated and thus may be more readily metabolized, more water soluble, more reactive and possibly more toxic. The physicochemical properties of pentachloropyridine should differ significantly from those of the methyl chloropyridine derivatives. In sum, the sponsor has not provided sufficient justification for using pentachloropyridine as a surrogate for methyl chloropyridine derivatives.

This submission is inadequate to meet the requirements of the HPV Challenge. Narrative provided in the test plan to describe the properties of these chemicals, their uses and their potential for release is cursory and largely uninformative. No data are provided to address the required SIDS elements and additional studies to generate required data are not proposed. Data described for the surrogate chemical described in the robust summaries are in our view not appropriate to address the SIDS elements for methyl chloropyridine derivatives. Thus, the methyl chloropyridine derivatives stream should be subject to a full range of studies to address the SIDS elements required by the HPV Challenge.

In summary, it is our opinion that this incomplete and disorganized submission represents a minimal effort to comply with the HPV Challenge for methyl chloropyridine derivatives, and is not acceptable.

Thank you for this opportunity to comment.

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